

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Agriculture; and Senator Thompson

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1 A bill to be entitled
2 An act relating to safety standards for amusement
3 rides; providing a short title; amending s. 616.242,
4 F.S.; defining and redefining terms; requiring
5 permanent amusement rides operated for the first time
6 in this state after a specified date to have a ride
7 commissioning and certification report on file with
8 the Department of Agriculture and Consumer Services
9 within a specified timeframe; revising the application
10 requirements for permanent and temporary amusement
11 ride permits; exempting from permit requirements
12 temporary amusement rides that meet certain
13 conditions; revising the annual nondestructive testing
14 requirements for amusement rides; requiring nonvisual
15 nondestructive testing to be used in certain
16 circumstances; revising the affidavit requirements for
17 nondestructive testing; requiring the department to
18 remove an amusement ride from service and take
19 appropriate administrative actions under certain
20 circumstances; removing an exemption for temporary
21 amusement ride inspections; authorizing the department
22 to conduct certain inspections upon request; revising
23 amusement ride inspection standards; revising the
24 reasons for which the department is authorized to
25 enter and inspect amusement rides; requiring the
26 department to prepare a written report of each
27 investigation it conducts; revising the circumstances
28 under which the owner or manager of an amusement ride
29 is required to report an accident and under which the

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30 department may impound an amusement ride involved in
31 an accident; requiring daily owner or manager
32 amusement ride inspections to be recorded at the time
33 of inspection; requiring the department to establish
34 by rule minimum amusement ride training and retraining
35 standards; revising training requirements; revising
36 circumstances under which an amusement ride may be
37 considered an immediate serious danger to the public;
38 providing an effective date.

39
40 WHEREAS, on March 24, 2022, Tyre Sampson, a 14-year-old boy
41 visiting this state from Missouri, fell to his death from the
42 Eagle Drop Tower in Orlando, and

43 WHEREAS, after the accident, Department of Agriculture and
44 Consumer Services inspectors performed multiple onsite
45 inspections of the tower and its components and contracted with
46 a third party to conduct a failure analysis assessment of the
47 tower, and

48 WHEREAS, the investigators concluded that changes made to
49 the ride by the ride operators after initial installation
50 contributed to Tyre Sampson's death, and

51 WHEREAS, the proposed changes made by this act are
52 necessary to address the safety problems discovered during the
53 department's investigation, NOW, THEREFORE,

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. This act may be cited as the "Tyre Sampson Act."

58 Section 2. Present paragraphs (r) through (u) of subsection

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59 (3) of section 616.242, Florida Statutes, are redesignated as
60 paragraphs (s) through (v), respectively, a new paragraph (r) is
61 added to that subsection and paragraph (g) is added to
62 subsection (6) of that section, and paragraph (h) of subsection
63 (3), paragraph (b) of subsection (5), paragraphs (b) and (f) of
64 subsection (6), subsection (7), paragraph (a) of subsection (8),
65 paragraph (b) of subsection (11), subsections (12) and (14),
66 paragraphs (a) and (c) of subsection (15), and subsections (16),
67 (17), and (19) of that section are amended, to read:

68 616.242 Safety standards for amusement rides.—

69 (3) DEFINITIONS.—As used in this section, the term:

70 (h) "Major modification" means any change in the structural
71 characteristics, ~~or~~ operational characteristics, or safety
72 systems of an amusement ride which will alter its performance or
73 settings from those that specified in the manufacturer's design
74 criteria or operator's manual.

75 (r) "Ride commissioning and certification report" means a
76 commissioning and certification report by the ride manufacturer
77 which certifies that the ride has been designed and manufactured
78 in conformance with the manufacturer's design criteria,
79 standards referenced in this section, and rules adopted by the
80 department.

81 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

82 (b) To apply for an annual permit, an owner or manager must
83 submit to the department a written application on a form
84 prescribed by department rule, which must include all of the
85 following:

86 1. The legal name, address, e-mail address, and primary
87 place of business of the owner or manager, ~~as applicable.~~

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88 2. A description, manufacturer's name, serial number, model
89 number, and, if previously assigned, the United States Amusement
90 Identification Number of the amusement ride.

91 3. A valid certificate of insurance for each amusement
92 ride.

93 4. ~~If required under subsection (7),~~ An annual affidavit of
94 compliance and nondestructive testing certifying that the
95 amusement ride was inspected in person by the affiant and that
96 the amusement ride is in ~~general~~ conformance with the
97 requirements of this section and all applicable department
98 rules. The affidavit must have been executed by a professional
99 engineer or a qualified inspector within the last calendar year.

100 5. ~~The owner or manager shall,~~ At no cost to the
101 department, ~~provide the department~~ an electronic copy of the
102 manufacturer's current recommended operating instructions, the
103 owner's operating fact sheet, and any written bulletins
104 concerning the safety, operation, or maintenance of the
105 amusement ride.

106 6. Beginning July 1, 2023, a ride commissioning and
107 certification report for each permanent amusement ride operated
108 for the first time in this state after July 1, 2023.

109 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

110 (b) To apply for a permit, an owner or manager must submit
111 to the department a written application on a form prescribed by
112 department rule. The written application, which must include all
113 of the following:

114 1. The legal name, address, e-mail address, and primary
115 place of business of the owner or manager, ~~as applicable.~~

116 2. A description, manufacturer's name, serial number, model

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117 number, and, if previously assigned, the United States Amusement
118 Identification Number of the amusement ride.

119 3. A valid certificate of insurance for each amusement
120 ride.

121 4. ~~If required under subsection (7),~~ An affidavit of
122 compliance and nondestructive testing certifying that the
123 amusement ride was inspected in person by the affiant and that
124 the amusement ride is in ~~general~~ conformance with the
125 requirements of this section and all applicable department
126 rules. The affidavit must be executed by a professional engineer
127 or a qualified inspector.

128 5. ~~The owner or manager shall,~~ At no cost to the
129 department, ~~provide the department~~ an electronic copy of the
130 manufacturer's current recommended operating instructions, the
131 operating fact sheet, and any written bulletins concerning the
132 safety, operation, or maintenance of the amusement ride.

133 (f) A temporary amusement ride is exempt from the required
134 permit if it is:

135 1. Used at a private event and was issued a permit within
136 the preceding 6 months; or

137 2. A kiddie ride used at a public event, provided that not
138 more than three amusement rides are at the event, the kiddie
139 rides at the event do not exceed a capacity of 12 persons, and
140 the kiddie ride passed a department inspection and was issued a
141 permit within the preceding 6 months. Unless the capacity of the
142 ride has been determined and specified by the manufacturer, the
143 department shall determine the capacity of the kiddie ride by
144 rule. An owner or a manager of a kiddie ride operating under
145 this exemption is responsible for ensuring that not more than

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146 three amusement rides are operated at the event.

147 (g) The permit must be displayed in an accessible location
148 on the amusement ride.

149 (7) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT; EXEMPTIONS.—

150 (a) ~~Except as provided in paragraph (d),~~ An owner or
151 manager may not operate an amusement ride unless the owner or
152 manager at all times has a current affidavit of nondestructive
153 testing from a professional engineer or qualified inspector that
154 the amusement ride has undergone nondestructive testing to
155 verify the integrity of all components ~~for metal fatigue~~ at
156 least annually. The nondestructive testing ~~for metal fatigue~~
157 must be conducted more often than annually if required by any
158 rule adopted under this section, by the manufacturer of the
159 amusement ride, or by the professional engineer or qualified
160 inspector executing the affidavit of nondestructive testing. The
161 nondestructive testing ~~for metal fatigue~~ must consist at least
162 of visual nondestructive testing, as well as nonvisual
163 nondestructive testing ~~for metal fatigue~~, which must be
164 conducted on the components of the amusement ride as required by
165 any rule adopted under this section, by the manufacturer of the
166 amusement ride, or by the professional engineer or qualified
167 inspector executing the affidavit of nondestructive testing.

168 (b) Nonvisual nondestructive testing must be used to verify
169 the integrity of components that, due to their design, location,
170 installation, or a combination thereof, cannot be adequately
171 evaluated by other means.

172 (c) Nondestructive testing ~~testings~~ must be performed by a
173 technician who meets the requirements prescribed by department
174 rule.

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175 (d)~~(e)~~ An affidavit of nondestructive testing, on a form
176 prescribed by department rule, must state, at a minimum, all of
177 the following:

178 1. That the amusement ride was inspected in person by the
179 affiant.

180 2. That all of the manufacturer's nondestructive testing
181 requirements and recommendations are current.

182 3. That the nondestructive testing was performed by a
183 qualified nondestructive testing technician.

184 4. The components of the amusement ride for which the
185 manufacturer has recommended or required nondestructive testing.

186 5. The type of nondestructive testing required or
187 recommended by the manufacturer.

188 6. The frequency of the nondestructive testing required or
189 recommended by the manufacturer.

190 7. The components of the amusement ride for which the
191 affiant, in addition to the manufacturer's requirements and
192 recommendations, has recommended or required nondestructive
193 testing.

194 8. The type of nondestructive testing required or
195 recommended by the affiant in addition to the manufacturer's
196 requirements and recommendations. If the affiant does not
197 require or recommend additional nondestructive testing, the
198 affiant must affirm that the manufacturer's requirements are
199 sufficient for the safe operation of the amusement ride.

200 9. The frequency of the nondestructive testing as required
201 or recommended by the affiant.

202 10. That visual nondestructive testing is adequate for the
203 amusement ride to be in ~~general~~ conformance with the

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204 requirements of this section and all applicable rules, ~~only~~ if
205 only visual nondestructive testing is required ~~or recommended~~ by
206 the manufacturer or the affiant.

207 11. That the amusement ride is in conformance with the
208 requirements of this section and all applicable department
209 rules.

210 12. Whether the amusement ride has undergone a major
211 modification and, if so, the name of the manager, owner, or
212 operator who authorized the modification and the date the
213 modification took place.

214 13. That the amusement ride and its components are in
215 conformance with the service life specified by the manufacturer.

216 (e) ~~(d)~~ Nonvisual nondestructive testing is not required for
217 fun houses, houses of mirrors, haunted houses, mazes, wave
218 pools, wave-making devices, kiddie pools, slides that are fully
219 supported by an earthen mound, nonmotorized playground equipment
220 that requires a manager, or lazy-river-type nonmotorized
221 floating carriers propelled by water.

222 (8) DEPARTMENT INSPECTIONS.—

223 (a) In order to obtain an annual or a temporary amusement
224 ride permit, an amusement ride must be inspected by the
225 department.

226 ~~1. A temporary amusement ride is exempt from the required~~
227 ~~inspection if it is:~~

228 ~~a. Used at a private event;~~

229 ~~b. A simulator, the capacity of which does not exceed 16~~
230 ~~persons; or~~

231 ~~c. A kiddie ride used at a public event, provided that not~~
232 ~~more than three amusement rides are at the event, the kiddie~~

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233 ~~rides at the event do not exceed a capacity of 12 persons, and~~
234 ~~the kiddie ride passed a department inspection and was issued a~~
235 ~~permit within the preceding 6 months. The capacity of a kiddie~~
236 ~~ride shall be determined by department rule, unless the capacity~~
237 ~~of the ride has been determined and specified by the~~
238 ~~manufacturer. Any owner or manager of a kiddie ride operating~~
239 ~~under this exemption is responsible for ensuring that not more~~
240 ~~than three amusement rides are operated at the event.~~

241 2. The department shall inspect permanent amusement rides 6
242 months after the issuance of the annual permit. The required
243 inspection may be waived for a permanent amusement ride if it
244 was inspected and certified by an accredited trade organization
245 as defined by department rule.

246 (11) EXEMPTIONS.—

247 (b) All of the following are exempt from subsections (5),
248 (6), (8), and (9), but may be inspected by the department upon
249 request following a complaint or pursuant to an accident that is
250 required to be reported under subsection (15), and such
251 exemption may be removed if the exempted amusement ride is found
252 to have been operating in a manner or circumstance that presents
253 a risk or resulted in a serious injury to patrons:

254 1. Museums or other institutions principally devoted to the
255 exhibition of products of agriculture, industry, education,
256 science, religion, or the arts.

257 2. Conventions or trade shows for the sale or exhibit of
258 amusement rides if there are a minimum of 15 amusement rides on
259 display or exhibition and if any operation of such amusement
260 rides is limited to the registered attendees of the convention
261 or trade show.

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262 3. Nonmotorized playground equipment that is not required
263 to have a manager.

264 4. Coin-actuated amusement rides designed to be operated by
265 depositing coins, tokens, credit cards, debit cards, bills, or
266 other cash money and which are not required to have a manager,
267 and which have a capacity of six persons or less.

268 5. Facilities described in s. 549.09(1)(a) when such
269 facilities are operating cars, trucks, or motorcycles only.

270 6. Battery-powered cars or other vehicles that are designed
271 to be operated by children 7 years of age or under and that
272 cannot exceed a speed of 4 miles per hour.

273 7. Mechanically driven vehicles that pull train cars,
274 carts, wagons, or other similar vehicles, that are not confined
275 to a metal track or confined to an area but are steered by an
276 operator and do not exceed a speed of 4 miles per hour.

277 8. A water-related amusement ride operated by a business
278 licensed under chapter 509 if the water-related amusement ride
279 is an incidental amenity and the operating business is not
280 primarily engaged in providing amusement, pleasure, thrills, or
281 excitement and does not offer day rates.

282 9. An amusement ride at a private, membership-only facility
283 if the amusement ride is an incidental amenity and the facility
284 is not open to the general public; is not primarily engaged in
285 providing amusement, pleasure, thrills, or excitement; and does
286 not offer day rates.

287 10. A nonprofit permanent facility registered under chapter
288 496 which is not open to the general public.

289 (12) INSPECTION STANDARDS.—An amusement ride must conform
290 to all of the following standards:

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291 (a) All mechanical, structural, and electrical components
292 that affect patron safety must be in good working order.

293 (b) All control devices, speed-limiting devices, brakes,
294 and safety equipment must be in good working order.

295 (c) Parts must be properly aligned and may not be bent,
296 distorted, cut, or otherwise injured to force a fit. Parts
297 requiring lubrication must be lubricated in the course of
298 assembly. Fastening and locking devices must be installed when
299 required for safe operation.

300 (d) The proper positioning, measurements, and demonstration
301 of proper patron loading procedures related to patron safety
302 restraint systems must be provided to the department upon
303 request.

304 (e) An amusement ride must be placed or secured with
305 blocking, cribbing, outriggers, guys, or other means ~~so as~~ to be
306 stable under all operating conditions.

307 (f) ~~(e)~~ Areas in which patrons may be endangered by the
308 operation of an amusement ride must be fenced, barricaded, or
309 otherwise effectively guarded against inadvertent contact.

310 (g) ~~(f)~~ Machinery used in or with an amusement ride must be
311 enclosed, barricaded, or otherwise effectively guarded against
312 inadvertent contact.

313 (h) ~~(g)~~ An amusement ride powered ~~so as~~ to be capable of
314 exceeding its maximum safe operating speed must be provided with
315 a maximum-speed-limiting device.

316 (i) ~~(h)~~ The interior and exterior parts of all patron-
317 carrying amusement rides with which a patron may come in contact
318 must be smooth and rounded and free from sharp, rough, or
319 splintered edges and corners, and from projecting studs, bolts,

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320 and screws or other projections that might cause injury.

321 (j)~~(i)~~ Signs that advise or warn patrons of age
322 restrictions, size restrictions, health restrictions, weight
323 limitations, or any other special consideration or use
324 restrictions, or lack thereof, ~~required or recommended for the~~
325 ~~amusement ride by the manufacturer~~ must be prominently displayed
326 at the patron entrance of each amusement ride. If such rider
327 restrictions are not provided by the manufacturer, the owner or
328 manager must provide the department with documentation from the
329 manufacturer or a licensed professional engineer stating that
330 such rider restrictions are not necessary for the safe operation
331 of the amusement ride.

332 (k)~~(j)~~ All amusement rides presented for inspection as
333 ready for operation or in operation must comply with this
334 section and department rule.

335 (l)~~(k)~~ A sign containing the toll-free number of the
336 department and informing patrons that they may contact the
337 department with complaints or concerns regarding the safe
338 operation of amusement rides must be posted in a manner
339 conspicuous to the public at each entrance of an ~~a temporary~~
340 amusement ride ~~facility~~. The department shall prescribe by rule
341 specifications for such signs.

342 (14) ENTRY FOR INSPECTION OR INVESTIGATION.—

343 (a) Upon presentation of identification, an authorized
344 employee of the department may enter unannounced and inspect
345 amusement rides at any time and in a reasonable manner and has
346 the right to question any owner, operator, or manager; to
347 inspect, investigate, photograph, and sample all pertinent
348 places, areas, and devices and review required documentation;

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349 and to conduct or have conducted all appropriate tests,
350 including nondestructive testing. The department may impose fees
351 for unannounced inspections and recover the cost of tests
352 authorized by this subsection.

353 (b) The department shall prepare a written report of each
354 investigation it conducts.

355 (15) REPORTING AND INVESTIGATION OF ACCIDENTS AND DEFECTS;
356 IMPOUNDMENTS.—

357 (a) Any accident of which the owner or manager has
358 knowledge or, through the exercise of reasonable diligence
359 should have knowledge, and for which a patron seeks treatment at
360 is transported to a hospital or an urgent care center, as those
361 terms are defined in chapter 395, must be reported by the owner
362 or manager to the department by telephone within 4 hours after
363 the occurrence of the accident or after notification by the
364 patron and must be followed up by a written report to the
365 department within 24 hours after the occurrence of the accident
366 or after notification by the patron.

367 (c) The department may impound an amusement ride involved
368 in an accident for which a patron seeks treatment at is
369 transported to a hospital or an urgent care center as those
370 terms are defined in chapter 395 or which has a mechanical,
371 structural, or electrical defect affecting patron safety; may
372 impound any other amusement ride of a similar make and model or
373 with similar operating characteristics; and may perform all
374 necessary tests to determine the cause of the accident or the
375 mechanical, structural, or electrical defect or to determine the
376 safety of the amusement ride and any other amusement ride of a
377 similar make and model or with similar operating

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378 characteristics. The cost of impounding the amusement ride and
379 performing the necessary tests must be borne by the owner of the
380 amusement ride.

381 (16) INSPECTION BY OWNER OR MANAGER.—Before opening on each
382 day of operation and before any inspection by the department,
383 the owner or manager of an amusement ride must inspect and test
384 each amusement ride to ensure compliance with this section. Each
385 inspection must be recorded at the time of inspection on a form
386 prescribed by department rule and signed by the person who
387 conducted the inspection. In lieu of the form prescribed by
388 department rule, the owner or manager may request approval of an
389 alternative form that includes, at a minimum, the information
390 required on the form prescribed by department rule. Inspection
391 records of the last 14 daily inspections must be kept on site by
392 the owner or manager and made immediately available to the
393 department upon request.

394 (17) TRAINING OF EMPLOYEES.—

395 (a) The department shall establish by rule minimum training
396 and retraining standards and the frequency of employee training
397 for all amusement rides.

398 (b) The owner or manager of an amusement ride shall
399 maintain a record of employee training for each employee
400 authorized to operate, assemble, disassemble, transport, or
401 conduct maintenance on an amusement ride on a form prescribed by
402 department rule. In lieu of the form prescribed by department
403 rule, the owner or manager may request approval of an
404 alternative form that includes, at a minimum, the information
405 required on the form prescribed by department rule. The training
406 record must be kept on site by the owner or manager and made

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407 immediately available to the department upon request. Training
408 may not be conducted when an amusement ride is open to the
409 public unless the training is conducted under the supervision of
410 an employee who is trained in the operation of that ride. The
411 owner or manager shall immediately document all training
412 following each training session and certify that each employee
413 is trained, as required by this section and any rules adopted
414 thereunder, on the amusement ride for which the employee is
415 responsible.

416 (19) IMMEDIATE FINAL ORDERS.—

417 (a) An amusement ride that fails to meet the requirements
418 of this section or pass the inspections required by this
419 section; that is involved in an accident for which a patron
420 seeks treatment at is transported to a hospital or an urgent
421 care center as those terms are defined in chapter 395; or that
422 has a mechanical, structural, or electrical defect that affects
423 patron safety may be considered an immediate serious danger to
424 the public health, safety, and welfare and, upon issuance of an
425 immediate final order prohibiting patron use of the ride, may
426 not be operated for patron use until it has passed a subsequent
427 inspection by or at the direction of the department.

428 (b) An amusement ride of a similar make and model or with
429 similar operating characteristics to an amusement ride described
430 in paragraph (a) may be considered an immediate serious danger
431 to the public health, safety, and welfare and, upon issuance of
432 an immediate final order prohibiting patron use of the ride, may
433 not be operated for patron use until it has passed a subsequent
434 inspection by or at the direction of the department.

435 Section 3. This act shall take effect July 1, 2023.